

7

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DARRIN LEAF,

Plaintiff,

v

Case No. 1:03 CV 0226
Hon. Robert Holmes Bell

SHERIFF STEPHEN DeBOER, individually
and in his official capacity, and BARRY
COUNTY,

Defendants.

Katherine Smith Kennedy
Pinsky, Smith, Fayette & Hulswit
146 Monroe Center St. NW #1515
Grand Rapids, MI 49503
(616) 451-8496

Patrick A. Aseltyne (P23293)
Johnson, Rosati, LaBarge,
A seltyne & Field, P.C.
Attorney for Defendants
303 S. Waverly Road
Lansing, MI 48917
(517)886-8000

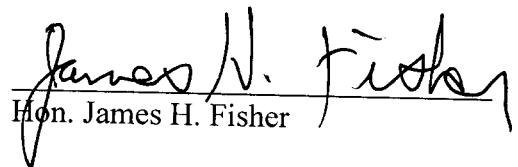
AFFIDAVIT OF JAMES H. FISHER

I, James H. Fisher, being duly sworn depose and state as follows:

1. That if sworn as a witness, I could competently testify to the facts set forth in this Affidavit.
2. That I hold the position of the Chief Judge of the Barry County Trial Court and have held this position for 8 ½ years.

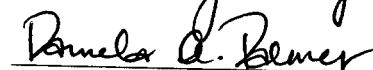
3. That before Court Officer Dave DeMaagd was appointed to that position by Sheriff DeBoer, I was asked by the Sheriff to indicate to him which one of the three candidates the judges and court administrators would prefer for that position.
4. That I thereafter consulted with my two judicial colleagues and three court administrators and we preferred Dave DeMaagd.
5. That I then informed the Sheriff of our preference for Mr. DeMaagd.

FURTHER AFFIANT SAYS NOT.



James H. Fisher
Hon. James H. Fisher

Subscribed and sworn to before
me by James H. Fisher on this
26th day of January, 2004



Pamela A. Blaney

Notary Public Barry County
My Commission Expires: 3-15-06